



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kucera, et al.
Serial No.: 09/627,312
Filed: July 27, 2000

Docket No.: IR-2800(NBA)
Group Art Unit: 1773
Examiner: M. R. Jackson

For: "Two-Part Aqueous Metal Protection Treatment"

REPLY UNDER 37 CFR 1.115

Assistant Commissioner of Patents
Washington, DC 20231

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Dear Madam/Sir:

Applicant replies to the Final Office Action mailed 3-18- 2003. Applicants previously submitted a Rule 130 affidavit to disqualify WO 99/37722 and WO 99/37713 as prior art. In rebuttal of paragraph 10 of paper no. 10, Applicants submit there is nothing stated in Rule 130 that limits the meaning of the term "disqualified as prior art" to mean that a reference once disqualified is only disqualified as to a 35 USC 103 rejection. Availability of Rule 130 is also not limited to prior art qualifying under 35 USC 102 (e). Prior inventorship is established in a Rule 1340 affidavit. Moreover, "identity" in prior and present inventive entity is not relevant to Rule 130. The issue is however mooted by this reply.

Applicants herewith submit a Declaration under 35 USC 132 with attached copy of an original invention record showing conception of the claimed invention by the inventor prior to the effective date of the references applied. Accompanying this declaration is a Terminal Disclaimer per 37 CFR 1.321(c) of U.S. Pat. No. 6,383,307.

The rejection under 35 USC 102(a) over WO 99/37722 (parag. 4) is overcome.

The rejection under 35 USC 102(a) over WO 99/37713 (parag. 6) is overcome.

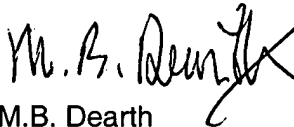
The rejection under 35 USC 103(a) based on WO '722 (parag. 7) is overcome.

The rejection under 35 USC 103(a) based on primary reference WO '713 maintained in parag. 8, page 5, of paper 10 is overcome.

The double patenting rejection over US 6,383,307 in parag. 9 is overcome.

Notice of allowance is earnestly awaited, and Applicants thank the Examiner for the thorough examination.

Respectfully Submitted,



M.B. Dearth

Attorney for Lord Corp.

Reg. No. 35,115

CERTIFICATE OF MAILING (37 CFR 1.8(a)) The person signing below hereby certifies that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date indicated below with the United States Postal Service in an envelope addressed to the Assistant Commissioner of Patents, Washington, DC 20231, with sufficient postage as first class mail (37 CFR 1.8(a)).

Printed name:

Aida CLark



(Signature of person mailing paper)

April 1, 2003